

preliminary amendment filed October 27, 2002, along with a copy of the return postcard, as well as a copy of Figs. 3a, 3b, 4a and 4b are enclosed herewith.

Responsive to the requirement for a new oath or declaration that is in compliance with 37 C.F.R. § 1.67(a), Applicant has submitted a new declaration herewith.

Applicant has amended claim 1, keeping in mind, the comments offered by the Examiner. Consequently, Applicant submits that claim 1 is now in allowable form.

Responsive to the rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Wenning et al. (USPN 6,122,565) in view of Schoch et al. (USPN 6,209,400) and Schmitz (USPN 6,047,579) Applicant respectfully traverses this rejection and submits that claim 1 is in condition for allowance.

Applicant submits that the non-provisional filing date of July 27, 2000, and/or the provisional filing date of July 30, 1999, predate the patent date of each of the applied references. Furthermore, since Wenning et al., Schoch et al., Schmitz and the present application were all, at the time the invention was made, owned or subject to an obligation of assignment to The Minster Machine Company, each of the cited references are disqualified as prior art under 35 U.S.C. § 103 via 35 U.S.C. § 102(e), as set forth in 35 U.S.C. § 103(c). As proof of such common ownership, Applicant has provided the reel/frame number, the recordation

date and the named Assignee for each of the cited references and the present application.

	<u>Patent/ Application</u>	<u>Reel/Frame</u>	<u>Recordation Date</u>	<u>Assignee</u>
5	6,122,565	011958/0621	07/09/01	The Minster Machine Company
	6,209,400	8878/0089	10/24/97	The Minster Machine Company
	6,047,579	9116/0721	04/17/98	The Minster Machine Company
10	09/626,513	011160/0636	09/29/00	The Minster Machine Company

As such, none of the applied references qualify as prior art under 35 U.S.C. § 103 with respect to the present invention.

For the foregoing reasons, Applicant submits that claim 1 is now in condition for allowance, the allowance for which is hereby respectfully requested.

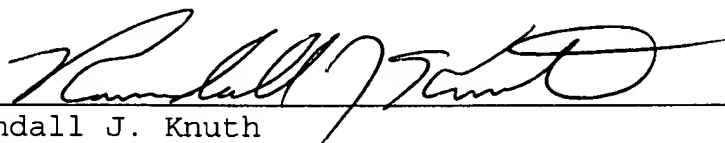
Applicant hereby respectfully requests the Examiner to withdraw all objections and rejections and respectfully requests the allowance of claim 1, as well as claims 2-11 entered by preliminary amendment, and forward a Notice of Allowability to the undersigned.



COPIES OF PAPERS  
ORIGINALLY FILED

If the Examiner has any questions or comments that would speed prosecution of this case, the Examiner is invited to call the undersigned at 260/485-6001.

Respectfully submitted,

✓   
Randall J. Knuth  
Registration No. 34,644

RJK/td10

Encs:

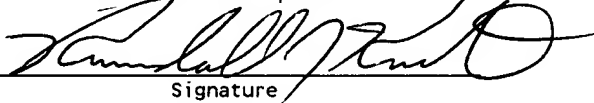
Preliminary Amendment  
Filed 08/02/00 (copy)  
Return Postcard (copy)  
Preliminary Amendment  
Filed 10/27/00 (copy)  
Return Postcard (copy)  
Figs. 3a, 3b, 4a, 4b (copy)  
Declaration  
Marked-Up Claims  
Replacement Claims  
Return Postcard (copy) ✓

RANDALL J. KNUTH, P.C.  
3510-A Stelhorn Road  
Fort Wayne, IN 46815-4631  
Telephone: 260/485-6001 ✓  
Facsimile: 260/486-2794

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231, on: June 5, 2002.

Randall J. Knuth, Regis. No. 34,644  
Name of Registered Representative

  
Signature  
June 5, 2002  
Date

RECEIVED  
JUN 14 2002  
TECHNOLOGY CENTER 2800